

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF EDWIN CLARK ET AL.
FOR: BIOMARKERS AND METHODS FOR DETERMINING SENSITIVITY TO EPIDERMAL
GROWTH FACTOR RECEPTOR MODULATORS

APPLICATION NO: 10/585,261

APPLICATION DATE: JANUARY 7, 2005

ART UNIT: 1642

EXAMINER:

CONFIRMATION NO: 3933

USPTO CUSTOMER NO: 23914

EFS-Web
Commissioner for Patents
Attn: Office of PCT Legal Administration
P.O. Box 1450
Alexandria, VA 22313-1450

Renewed Petition Under 37 CFR 1.181

Sir:

This Renewed Petition is being filed in response to the Decision on Petition under 37 CFR 1.137(a) of December 9, 2009 ("Decision").

Applicant hereby (1) requests reconsideration of the Petition for Revival filed June 18, 2009, including entry of the Response to Notification of Missing Requirements and the Renewed Petition filed October 21, 2009, (2) authorizes payment of the petition fee as set forth in § 1.17(l) under Account No. 19-3880 in the name of Bristol-Myers Squibb Company to the extent this Renewed Petition requires the petition fee, and (3) submits additional evidence that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unavoidable.

The Decision states that the previously submitted petition and renewed petition fail to provide a tickler showing all the replies docketed (which includes other applications that have a due date around such date) for a date of two months from the mail date of the non-received Office communication around December 24, 2008. The decision further characterizes this tickler as a copy of the docket report showing all replies docketed for a date of two months from the mail date of the non-received communication. In response, Applicant encloses a copy of the docket report (Exhibit Z) showing all the replies docketed (which includes other applications that have a due date around such date) for a date of two months from the mail date of the non-received Office communication around December 24, 2008 (that is, a copy of the docket report showing all replies docketed for a date of two months from the mail date of the non-received communication). Note that this log does not indicate receipt of the subject non-received Office communication.

As stated by Applicant's Representative in the original petition and renewed petition, and evidenced by the enclosure to this Renewed Petition, the Notification of Missing Requirements mailed October 24, 2008

was not received at the correspondence address of record or otherwise received by Applicant, and it was only after receipt of the Notification of Abandonment mailed May 15, 2009 that Applicant became aware of this Notification of Missing Requirements.

Applicant believes an adequate showing of the cause of the delay has been shown, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable. Accordingly, Applicant hereby petitions for the revival of this application.

The Commissioner is hereby authorized to charge any additional fees under 37 CFR §1.17 which may be required, or credit any overpayment, to Account No. 19-3880 in the name of Bristol-Myers Squibb Company.

Respectfully submitted,

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